

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. APPLN. NO.: 10/721,262

REMARKS

Claims 1-4, 6, 8-15 and 17 are rejected under 35 U.S.C. § 102(b) as being anticipated by Farber *et al.* (U.S. Patent No. 3,768,232; hereinafter “Farber”). Claims 5 and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Farber. Claims 7 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Farber in view of Gisser *et al.* (U.S. Patent No. 5,395,540; hereinafter “Gisser”). Applicant submits the following arguments in traversal of the claim rejections.

Rejection of Claims 1-4, 6, 8-15 and 17 under § 102(b) by Farber

Applicant respectfully submits that claim 1 is patentable because each and every element of the claim is not disclosed or suggested by Farber. Claim 1 recites:

An image recording apparatus which records an image on a recording medium, the image recording apparatus comprising in a housing thereof:

a water vapor removing section which removes water vapor; and
a solvent recovering section which recovers vapor of organic solvent, which evaporates within the housing.

For example, Farber fails to disclose or suggest the claimed housing as recited in the claim. Although the Examiner alleges that Farber inherently discloses a housing, Applicant submits that Farber does not necessarily disclose an apparatus having a housing.

Farber relates to a system for removing and recovering organic pollutants from output gas streams of chemical process plants. See col. 1, lines 5-8. In the Office Action, the Examiner points out the drier section 104 and the bed of absorbent 166 as corresponding to the claimed water vapor removing section. Further, the Examiner refers to the condenser 180 and the storage

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tank 184 as corresponding to the claimed solvent recovering section. There are no teachings in Farber, nor has the Examiner pointed out any teachings, which provide “a basis in fact and/or technical reasoning to reasonably support the determination that” having a housing “necessarily flows from the teachings of” Farber. *See* MPEP 2112(IV). Not only is there nothing to support having any one of the drier section 104 and the bed of absorbent 166 and any one of the condenser 180 and the storage tank 184, in a housing, the teachings of Farber suggest not having the above in a housing.

Rather, the large sizes of the various tanks in Farber (each tank 142 containing the bed of absorbent 166 may have 6000 pounds of activated charcoal; storage tank 184 having a 500 gallon capacity) strongly suggest against having a housing which would include all the components of Farber mentioned by the Examiner as corresponding to the claimed water vapor removing section and the solvent recovering section.

For at least the above reasons, claim 1 is patentable.

Claims 2-4, 6 and 8-10, which depend from claim 1, are patentable for at least the reasons submitted for claim 1.

Claim 12 is patentable for reasons similar to those submitted for claim 1. Namely, Farber fails to disclose or suggest removing water vapor in a housing of an image recording apparatus; and recovering vapor of organic solvent in the housing.

Claims 13-15 and 17, which depend from claim 12, are patentable for at least the reasons submitted for claim 12.

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Rejection of Claims 5 and 16 under § 103(a) over Farber.

Claims 5 and 16, which depend from claims 1 and 12, respectively, are patentable for at least the reasons submitted for their respective base claims and because Farber fails to teach, suggest or provide motivation for the claimed housing.

In the Office Action, the Examiner argues that one skilled in the art would have been motivated “to gain the benefit of providing an external shell to support the disclosed solvent recovery system, so that it does not just imply hang in mid-air.” The entire teaching of Farber, however, teaches away from having the claimed housing for the motivation supplied by the Examiner.

As noted above, the enormously large sizes required for the various tanks of Farber would not suggest having a housing as claimed to one skilled in the art. Further, each of the components of the solvent recovery system of Farber can be individually supported in some support or frame to support our argument that the teachings Farber do not necessarily provide for the claimed housing.

Further, Applicant respectfully submits that claims 5 and 16 are patentable because Farber is a nonanalogous art and cannot be properly used as a basis for a § 103 rejection. M.P.E.P. 2141.01(a). In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned. *Id.*

Here, Farber relates to chemical plants, which is entirely different from the field of Applicant's endeavor. For example, an embodiment of the Applicant's invention relates to an image recording apparatus.

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Therefore, for at least the above reasons, claims 5 and 16 are patentable.

Rejection of Claims 7 and 18 under § 103(a) over Farber in view of Gisser

Claims 7 and 18, which depend from claims 1 and 12, respectively, are patentable for at least the reasons submitted for their respective base claims and because Gisser fails to make up for the deficiencies of Farber.

Further, claims 7 and 18 are patentable because Farber is not analogous art that can be properly used in a § 103 rejection.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


Susan Perng Pan
Registration No. 41,239

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

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